

AMENDED IN ASSEMBLY JUNE 1, 2000

AMENDED IN ASSEMBLY SEPTEMBER 9, 1999

AMENDED IN SENATE APRIL 28, 1999

AMENDED IN SENATE MARCH 15, 1999

**SENATE BILL**

**No. 329**

**Introduced by Senator Peace**

February 8, 1999

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An act to add Title 7.55 (commencing with Section 67150) to the Government Code, relating to ~~public~~ ~~agencies~~ *transportation*.

LEGISLATIVE COUNSEL'S DIGEST

SB 329, as amended, Peace. San Diego Regional Infrastructure and Transportation ~~Agency Act~~.

(1) Under existing law, there are a number of agencies involved with transportation and infrastructure issues in the County of San Diego.

This bill, ~~on and after July 1, 2000,~~ would ~~create~~ *enact* the San Diego Regional Infrastructure and Transportation ~~Agency Act~~, and would make related findings and declarations, ~~specify the membership and terms of the agency's board of directors, and specify the powers and duties of the agency. By imposing duties on the agency, which would be an entity of regional government, and the governing board of the agency, the bill would create a state-mandated local program.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes no. State-mandated local program: yes no.~~

*The people of the State of California do enact as follows:*

1 SECTION 1. Title 7.55 (commencing with Section  
2 67150) is added to the Government Code, to read:

3

4 TITLE 7.55. SAN DIEGO REGIONAL  
5 INFRASTRUCTURE AND TRANSPORTATION  
6 AGENCY

7

8 CHAPTER 1. GENERAL PROVISIONS

9

10 67150. This title shall be known and may be cited as  
11 the San Diego Regional Infrastructure and  
12 Transportation Agency Act.

13 67150.1. The Legislature finds and declares all of the  
14 following:

15 (a) Unlike the state's other metropolitan regions, the  
16 San Diego region consists of a single county with highly  
17 interdependent problems, challenges, and opportunities.

18 (b) The region's residents strongly support efforts to  
19 protect the environment, sustain economic  
20 development, and ensure the equitable distribution of  
21 the costs and benefits of environmental protection and  
22 economic development.



(c) Among the problems facing the San Diego region are increasing congestion of airports, ports, and surface transportation routes caused by present and future growth in the transportation of freight, goods, passengers, and commuters. The congestion of the San Diego region's transportation systems occurs because of the movement of goods and people through the region between Mexico and the rest of the United States, along routes that run both north-south and west-east.

(d) Among the challenges facing the San Diego region is the need to connect regional solutions with regional problems of transportation congestion, especially the movement of freight and goods, and air quality.

(e) Among the opportunities facing the San Diego region is the chance for state and local agencies to cooperate on solutions within the region.

(f) The search for regional solutions to regional problems is complicated by the fragmentation of public responsibility and accountability among many existing state and local agencies, each of which pursues its own mission without connecting to the full range of problems, challenges, and opportunities facing the San Diego region.

~~67150.2. The Legislature further finds and declares that the failure of existing state and local agencies to cooperate on the problems, challenges, and opportunities facing the San Diego region warrants the creation of a regional agency with sufficient power and accountability to carry out regional solutions to regional problems.~~

~~67150.3. This title is necessary for the public health, safety, and welfare, and shall be liberally construed to effectuate its purposes.~~

~~67150.4. Any action to determine the validity of the organization or of any action of the agency shall be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.~~

~~67150.5. As used in this title:~~

~~(a) "Agency" means the San Diego Regional Infrastructure and Transportation Agency.~~

1 ~~(b) “Board” means the board of directors of the~~  
2 ~~agency.~~

3 ~~(c) “Executive director” means the executive director~~  
4 ~~of the agency.~~

5 ~~(d) “Metropolitan area” means that portion of~~  
6 ~~territory within the boundaries of the County of San~~  
7 ~~Diego that is not within the northern area, as defined in~~  
8 ~~subdivision (f).~~

9 ~~(e) “Metropolitan area division” means the five~~  
10 ~~members of the board who represent the metropolitan~~  
11 ~~area.~~

12 ~~(f) “Northern area” means that portion of territory~~  
13 ~~within the boundaries of the County of San Diego that is~~  
14 ~~described in Section 125052 of the Public Utilities Code.~~

15 ~~(g) “Northern area division” means the five members~~  
16 ~~of the board who represent the northern area.~~

17 ~~(h) “San Diego region” means the territory located~~  
18 ~~within the boundaries of the County of San Diego.~~

19  
20 ~~CHAPTER 2. ORGANIZATION AND GOVERNANCE~~

21  
22 ~~67151. There is hereby created the San Diego~~  
23 ~~Regional Infrastructure and Transportation Agency.~~

24 ~~67151.1. A board of directors consisting of 10 members~~  
25 ~~shall govern the agency.~~

26 ~~67151.2. (a) Except for the members appointed to~~  
27 ~~the initial board pursuant to subdivision (a) of Section~~  
28 ~~67151.3, the directors shall serve for terms of four years.~~

29 ~~(b) Any vacancy in the office of an appointed member~~  
30 ~~shall be filled pursuant to Section 1779. Any vacancy in~~  
31 ~~the office of an elected member shall be filled pursuant~~  
32 ~~to Section 1780.~~

33 ~~(c) Each appointed member of the board may~~  
34 ~~designate an alternate to serve and vote in the absence of~~  
35 ~~that appointed member.~~

36 ~~67151.3. (a) On or before July 1, 2000, the Governor~~  
37 ~~shall appoint 10 persons as members of the initial board.~~  
38 ~~The Governor shall appoint five persons who are~~  
39 ~~residents of the metropolitan area and five persons who~~  
40 ~~are residents of the northern area. To the extent feasible,~~

1 ~~it is the intent of the Legislature that the persons~~  
2 ~~appointed to the board by the Governor be broadly~~  
3 ~~representative of the geographic, ethnic, racial, gender,~~  
4 ~~and cultural diversity of the residents of the San Diego~~  
5 ~~region.~~

6 ~~(b) The 10 members initially appointed by the~~  
7 ~~Governor shall determine, by lot, the expiration dates for~~  
8 ~~their initial terms. The terms of four members shall expire~~  
9 ~~on January 1, 2003. The terms of six members shall expire~~  
10 ~~on January 1, 2005. Their successors shall be elected by~~  
11 ~~electoral wards.~~

12 ~~(c) On or before November 1, 2001, the board shall~~  
13 ~~divide the agency into 10 electoral wards. The board shall~~  
14 ~~divide the metropolitan area into five electoral wards and~~  
15 ~~the board shall divide the northern area into five electoral~~  
16 ~~wards. The board shall assign a number to each electoral~~  
17 ~~ward. Using the last decennial federal census as a basis,~~  
18 ~~the electoral wards shall be as nearly equal in population~~  
19 ~~as possible. In establishing the boundaries of the electoral~~  
20 ~~wards the board may give consideration to the following~~  
21 ~~factors: (1) topography, (2) geography, (3) cohesiveness,~~  
22 ~~contiguity, integrity, and compactness of territory, and~~  
23 ~~(4) community of interests of the electoral wards.~~

24 ~~(d) The board shall adjust the boundaries of the~~  
25 ~~electoral wards before November 1 of the year following~~  
26 ~~the year in which each decennial federal census is taken.~~  
27 ~~If the board finds that the population of any electoral~~  
28 ~~ward has varied so that the divisions no longer meet the~~  
29 ~~criteria specified in subdivision (c), the board shall adjust~~  
30 ~~the boundaries of the electoral wards so that the electoral~~  
31 ~~wards shall be as nearly equal in population as possible.~~

32 ~~(e) Each elected member shall be a resident of the~~  
33 ~~electoral ward from which he or she is elected.~~

34 ~~67151.4. (a) The officers of the board are a chair and~~  
35 ~~vice chair. The board may create additional officers and~~  
36 ~~elect members to those positions. However, no member~~  
37 ~~may hold more than one office.~~

38 ~~(b) The term of office for the officers of the board is~~  
39 ~~two years.~~

~~(c) On or before July 1, 2000, the Governor shall appoint the initial chair of the board. At its first meeting on or after July 1, 2000, the board shall elect its initial vice chair.~~

~~67151.5. Meetings of the board, the metropolitan area division, and the northern area division are subject to the provisions of the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5.~~

~~67151.6. (a) Six members of the board shall constitute a quorum for transaction of the business of the board. Three members of the metropolitan area division shall constitute a quorum for transaction of the business of that division. Three members of the northern area division may constitute a quorum for transaction of the business of that division.~~

~~(b) The board and its divisions shall act only by ordinance, resolution, or motion.~~

~~(c) Except as specifically provided to the contrary in this part, all of the following apply to the board or the divisions:~~

~~(1) A recorded vote by not less than six members of the board is required on each action of the board.~~

~~(2) A recorded vote by not less than three members of the metropolitan area division is required on each action of the division.~~

~~(3) A recorded vote by not less than three members of the northern area division is required on each action of the division.~~

~~67151.7. (a) Each appointed member may receive one hundred dollars (\$100) for attending each meeting of the board or its divisions. The number of meetings for which a member may receive compensation may not exceed 10 meetings in any calendar month.~~

~~(b) Each elected member shall receive a salary that does not exceed the salary paid to the members of the Board of Supervisors of the County of San Diego.~~

~~(c) Each member may receive actual, necessary, and reasonable compensation for the expenses incurred in the~~

~~performance of duties required or authorized by the board.~~

~~67151.8. (a) The agency is subject to the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10 of the Elections Code).~~

~~(b) The agency may require that its election of members of its board of directors be held on the same day as the statewide general election pursuant to Section 10404 of the Elections Code.~~

~~67151.9. (a) Administrative authority for the agency is vested in the office of the executive director.~~

~~(b) The executive director shall be appointed and may be dismissed by the chair of the board, subject to ratification by the board.~~

### ~~CHAPTER 3. POWERS AND DUTIES~~

~~67152. Notwithstanding any other provision of law and except as provided in this title, on and after July 1, 2000, the agency shall have all of the powers, duties, rights, and obligations of all of the following entities:~~

~~(a) The San Diego Association of Governments created pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1.~~

~~(b) Infrastructure financing districts in the border development zone created pursuant to Chapter 2.9 (commencing with Section 53398) of Part 1 of Division 2 of Title 5.~~

~~(c) The San Diego Air Quality Management District created pursuant to Part 3 (commencing with Section 40000) of Division 26 of the Health and Safety Code.~~

~~(d) The San Diego Metropolitan Transit Development Board created pursuant to Division 11 (commencing with Section 120000) of Part 15 of the Public Utilities Code.~~

~~(e) The North San Diego County Transit Development Board created pursuant to Division 11.5 (commencing with Section 125000) of Part 15 of the Public Utilities Code.~~

1     ~~(f) The San Diego Unified Port District created~~  
2 ~~pursuant to Chapter 67 of the Statutes of 1962, First~~  
3 ~~Extraordinary Session, as amended.~~  
4     ~~67152.1. The agency shall have and may exercise all~~  
5 ~~rights and powers, expressed or implied, necessary to~~  
6 ~~carry out the purposes and intent of this title, including,~~  
7 ~~but not limited to, the power to do all of the following:~~  
8     ~~(a) Sue and be sued.~~  
9     ~~(b) (1) Acquire any property within the San Diego~~  
10 ~~region by any means.~~  
11     ~~(2) Hold, manage, occupy, dispose of, convey and~~  
12 ~~encumber property.~~  
13     ~~(3) Create a leasehold interest in the property for the~~  
14 ~~benefit of the agency.~~  
15     ~~(c) Acquire by eminent domain any property~~  
16 ~~necessary to carry out any of its powers or functions.~~  
17     ~~(d) Appoint necessary employees, define their~~  
18 ~~qualifications and duties, and provide a pay schedule for~~  
19 ~~performance of their duties.~~  
20     ~~(e) Employ counsel.~~  
21     ~~(f) Enter into and perform all necessary contracts.~~  
22     ~~(g) Adopt a seal and alter it at pleasure.~~  
23     ~~(h) Adopt ordinances following the procedures of~~  
24 ~~Article 7 (commencing with Section 25120) of Chapter 4~~  
25 ~~of Part 2 of Division 2 of Title 3.~~  
26     ~~(i) Establish and enforce rules and regulations for the~~  
27 ~~administration, operation, and maintenance of facilities~~  
28 ~~and services.~~  
29     ~~(j) Enter joint powers agreements pursuant to~~  
30 ~~Chapter 5 (commencing with Section 6500) of Division~~  
31 ~~7 of Title 1.~~  
32     ~~(k) Provide insurance pursuant to Part 6~~  
33 ~~(commencing with Section 989) of Division 3.5 of Title 1.~~  
34     ~~67152.2. Nothing in this title may be construed to~~  
35 ~~allow the agency to supersede the land use planning and~~  
36 ~~development authority of the County of San Diego or the~~  
37 ~~cities in the San Diego region.~~  
38     ~~67152.3. (a) The board shall act on any decision~~  
39 ~~affecting the powers, duties, rights, and obligations of the~~  
40 ~~agency relating to any of the following:~~



~~(1) Airports.~~

~~(2) The San Diego Association of Governments.~~

~~(3) The San Diego Air Quality Management District.~~

~~(b) The metropolitan area division shall act on any decision affecting the powers, duties, rights, and obligations of the agency relating to any of the following:~~

~~(1) Infrastructure financing districts in the border zone.~~

~~(2) The San Diego Metropolitan Transit Development Board.~~

~~(3) The San Diego Unified Port District, other than decisions relating to airports.~~

~~(c) The northern area division shall act on any decision affecting the powers, duties, rights, and obligations of the agency relating to the North San Diego County Transit Development Board.~~

~~67152.4. (a) It is the intent of the Legislature that the executive director shall reduce the management expenses of the agency, reduce the number of management employees, and streamline the management of the operations of the agency.~~

~~(b) On or before October 1, 2000, the executive director shall file with the board a report that identifies the senior management positions within the agency and the total compensation for each senior management position. This report shall also indicate the executive director's plans for reducing the management expenses of the agency, reducing the number of management employees, and streamlining the management of the operations of the agency by December 31, 2000. On or before January 1, 2001, the executive director shall file with the board a report that describes the progress in implementing those plans.~~

~~SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the~~

1 ~~claim for reimbursement does not exceed one million~~  
2 ~~dollars (\$1,000,000), reimbursement shall be made from~~  
3 ~~the State Mandates Claims Fund.~~  
4 ~~SEC. 3. Section 1 of this act shall become operative on~~  
5 ~~July 1, 2000.~~

